

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DEMETRIOUS DARRON FLEMING,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 11-617
	)	
JOSEPH F. MAZURKIEWICZ, JR.	)	
et al.	)	
	)	
Respondents	)	

ORDER

AND NOW, this 21<sup>st</sup> day of September, 2011, after the  
Petitioner, Demetrious Darron Fleming, filed a petition for  
writ of habeas corpus, and after a Report and Recommendation was  
filed by the United States Magistrate Judge granting the parties  
fourteen days after being served with a copy to file written  
objections thereto, and upon consideration of the objections  
filed by the petitioner, and upon written review of the petition  
and the record and upon consideration of the Magistrate Judge's  
Report and Recommendation (Docket No. 17), which is adopted as  
the opinion of this Court,

IT IS ORDERED that the petition for writ of habeas  
corpus filed by Petitioner (Docket No. 5) is dismissed and a  
certificate of appealability is denied.

IT IS FURTHER ORDERED that Petitioner's Motion for  
Summary Judgment (Docket No. 15) is Dismissed as Moot.

IT IS FURTHER ORDERED that pursuant to Rule 4(a) (1) of the Federal Rules of Appellate Procedure if the Petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P .

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United States District Judge

cc/ecf: Counsel of Record

Demetrious Darron Fleming  
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